UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,446	07/26/2001	Marc Neuberger	782.1102	4445

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
		09/912,446	NEUBERGER, MARC
Office Action Summary		Examiner	Art Unit
		Michael N. Opsasnick	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some *   c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al

(6269336) in view of Maes (6801604).

As per claims 1,8, Ladd et al (6269336) teaches:

"a method of operating a speech recognition system, comprising:" as the

electronic network (fig. 3) containing voice/speech recognition capabilities (Fig. 3,

subblocks 232,234);

"augmenting the speech recognition system with an augmenting grammar set

supplied by a first speech recognizer of portal" as the electronic network (synonymous

with the term "portal" – portal is defined as a central starting point for users to access a

wide variety of applications – see applicant's specification, under discussion of the

related art) supplies the grammar as dictated by the user to upgrade the grammar set (col.

4 lines 32-35; col. 4 line 62 – col. 5 line 19);

"and notifying the portal in response to an input which corresponds to the augmenting grammar set" as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claims 1,8, Ladd et al (6269336) does not explicitly teach the execution of the speech recognition outside of the portal, however, Maes (6801604) teaches the use of a second speech recognizer outside of the portal system (col. 4 lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art of distributed speech applications to modify the teachings of Ladd et al (6269336) with remote speech processing because it would advantageously shift more intense speech processing to adequately prepared systems (Maes (6801604), col. 24 line 55 – col. 25 line 46).

As per claim 2, Ladd et al (6269336) teaches:

" the speech recognition system resides at an application server remote from the portal" as VRU server can be configured to be separated from the electronic network – as a stand alone system into a LAN – col. 9 lines 1-10).

As per claim 3, Ladd et al (6269336) teaches:

" transferring control of a call back to the portal after notifying the portal that the input corresponds to the augmenting grammar set" as transferring control back to the voice browser (col. 14 lines 29-35).

As per claim 4, Ladd et al (6269336) teaches:

"transferring a call to another application server which corresponds to the input" as transferring call control to a different (and appropriate server); (col. 8 lines 35-45 – Ladd's call control transfers the call's according to input (either pages or message) and routes items either thru a paging network or email network).

As per claim 5, Ladd et al (6269336) teaches:

"directing the remote application server to perform one of a fixed set of pre-determined actions on behalf of the portal in response to a predetermined input" as application server (Fig. 3, subblock 242) instructing the VRU server to perform basic recognized functions such as automatic speech recognition (ASR's), text to speech (TTS), etc., (col. 9 lines 1-10).

As per claim 6, Ladd et al (6269336) teaches:

"directing the remote application server to perform an arbitrary routine on behalf of the portal in response to a predetermined input" as the application server is configured to allow the communication node to access information (col. 10 lines 61-66), and based on the information from the communication nodes, the application server redirects the information to a VRU server, and allows the VRU server decide what type of speech processing to perform (col. 11 lines 1-10).

As per claim 7, Ladd et al (6269336) teaches:

"directing the portal to perform an action in response to a predetermined input" as

electronic network (portal) to access the VRU server when necessary (col. 10 line 67 –

col. 11 line 11).

As per claim 9, Ladd et al (6269336) teaches:

"a voice gateway to connect a call to the portal" as voice gateway (PSTN, carrier

switch, Fig. 3, subblock 210).

As per claim 10, Ladd et al (6269336) teaches:

"that when a caller requests access to the application server, the voice gateway

connects the call to the application server and breaks the connection between the call and

the portal" as the electronic network (portal) contains a two choice path, a first path for

recognized subscribers (col. 6 lines 37-50) and a second path for non-subscribers or non-

recognized subscribers (col. 6 lines 50-65). When it is established that the user is

recognized, the first path is chosen, the caller is in direct contact with the application

server within the communication node (col. 6 lines 45-50, and the user is not connected

directly (i.e., bypasses) to the part of the electronic network (portal) that perform

personnel identification, speech command, or etc. the second path, for non-subscribers,

maintains the connection between the portion of the portal that perform user

identification, and if the identification is unsuccessful, the user is routed to a customer

service representative (col. 6 lines 62-64).

As per claim 11, <u>Ladd et al (6269336)</u> teaches:

"the portal includes a speech recognizer" as VRU server/client (Fig. 3, subblock 234).

As per claim 12, <u>Ladd et al (6269336)</u> teaches:

" the response to an input being recognized as corresponding to the augmenting grammar set, control of the call is transferred from the application server to the portal" as transferring control back to the voice browser (col. 14 lines 29-35).

As per claim 13, <u>Ladd et al (6269336)</u> teaches:

"the call being transferred to another application server in response to recognizing a predetermined input as corresponding to the augmenting grammar set" as transferring call control to a different (and appropriate server); (col. 8 lines 35-45 – Ladd's call control transfers the call's according to input (either pages or message) and routes items either thru a paging network or email network).

As per claim 14, <u>Ladd et al (6269336)</u> teaches:

"the application server performs one of a fixed set of pre-determined actions on behalf of the portal in response to a predetermined input which is recognized as corresponding to the augmenting grammar set" as application server (Fig. 3, subblock 242) instructing the VRU server to perform basic recognized functions such as automatic speech recognition (ASR's), text to speech (TTS), etc., (col. 9 lines 1-10).

As per claim 15, <u>Ladd et al (6269336)</u> teaches:

"the application server performs an arbitrary routine on behalf of the portal in response to a predetermined input which is recognized as corresponding to the augmenting grammar set" as the application server is configured to allow the communication node to access information (col. 10 lines 61-66), and based on the information from the communication nodes, the application server redirects the information to a VRU server, and allows the VRU server decide what type of speech processing to perform (col. 11 lines 1-10).

As per claim 16, <u>Ladd et al (6269336)</u> teaches:

"the portal performs a predetermined action corresponding to an input which is recognized as corresponding to the augmenting grammar set" as electronic network (portal) to access the VRU server when necessary (col. 10 line 67 – col. 11 line 11).

As per claims 17,26, <u>Ladd et al (6269336)</u> teaches a method comprising:

"connecting a call to a portal" as voice gateway (PSTN, carrier switch, Fig. 3, subblock 210);

"requesting services of a remote application server via the call" as after entering a dialogue with the user, the user can choose from a variety of information (col. 6 lines 44-50). Wherein the communication node (212) is remotely located (col. 7 lines 24-32);

"transmitting an augmenting grammar set from the portal to the remote

application server" as VRU client sends the user grammar information to the VRU server,

which accesses the remote database 244 containing speech information (col. 8 lines 55-

61);

"connecting the call to the remote application server" as LAN connects and routes

the speech results to the call control unit, application server, and voice browser (col. 8

lines 63-65);

"breaking the connection between the call and the portal" as communication

server 212 perform the functions of the output signal(col. 8 lines 63-67), wherein the

electronic network (portal) contains a two choice path, a first path for recognized

subscribers (col. 6 lines 37-50) and a second path for non-subscribers or non-recognized

subscribers (col. 6 lines 50-65). When it is established that the user is recognized, the

first path is chosen, the caller is in direct contact with the application server within the

communication node (col. 6 lines 45-50), and the user is not connected directly (i.e.,

bypasses) to the part of the electronic network (portal) that performs personnel

identification, speech command, or etc. The second path, for non-subscribers, maintains

the connection between the portion of the portal that perform user identification, and if

the identification is unsuccessful, the user is routed to a customer service representative

(col. 6 lines 62-64).

"notifying the portal when an input during the call corresponds to the augmenting

grammar set" as notification to the portal that the user has been verified and that the

caller is in direct contact with the application server within the communication node (col. 6 lines 44-50).

As per claims 17,26, Ladd et al (6269336) does not explicitly teach the execution of the speech recognition outside of the portal, however, Maes (6801604) teaches the use of a second speech recognizer outside of the portal system (col. 4 lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art of distributed speech applications to modify the teachings of Ladd et al (6269336) with remote speech processing because it would advantageously shift more intense speech processing to adequately prepared systems (Maes (6801604), col. 24 line 55 – col. 25 line 46).

As per claim 18, Ladd et al (6269336) teaches:

"reconnecting the call to the portal in response to recognizing a predetermined input as corresponding to the augmenting grammar set" as allowing the caller to have access to the electronic network (portal) after the recognition has been performed (col. 6 lines 55-60). Ladd's recognition routine access a grammar set in the voice recognition process (col. 8 lines 55-67).

As per claim 19, Ladd et al (6269336) teaches:

"performing a predetermined action in response to an input which is recognized as belonging to the augmenting grammar set" as performing a dialogue with a recognized user (col. 6 lines 25-49).

As per claim 20, <u>Ladd et al (6269336)</u> teaches:

"a system for operating a speech recognition system, comprising" as the electronic network (fig. 3) containing voice/speech recognition capabilities (Fig. 3, subblocks 232,234).

"means for augmenting the speech recognition system with an augmenting grammar set supplied by a portal" as the electronic network (synonymous with the term "portal" – portal is defined as a central starting point for users to access a wide variety of applications – see applicant's specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19).

"means for notifying the portal in response to an input which corresponds to the augmenting grammar set" as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claims 1,8, <u>Ladd et al (6269336)</u> does not explicitly teach the execution of the speech recognition outside of the portal, however, <u>Maes (6801604)</u> teaches the use of a second speech recognizer outside of the portal system (col. 4 lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art of distributed speech applications to modify the teachings of <u>Ladd et al (6269336)</u> with remote speech processing because it would advantageously shift more intense speech processing to adequately prepared systems (<u>Maes (6801604),</u> col. 24 line 55 – col. 25 line 46).

As per claims 21-24, <u>Ladd et al (6269336)</u> teaches the input corresponding to at least one DTMF tone (col. 2 lines 56-61) as well as spoken utterances (col. 4 lines 33-38).

Response to Arguments

3.   Applicant's arguments filed 4/11/2006 have been fully considered but they are not persuasive. Examiner notes that applicant's arguments presented in the response are toward the newly amended claim language; however, since the examiner has maintained the Ladd in view of Maes rejection, the examiner will address the applicants arguments as noted below.

With respect to applicant's arguments against the Ladd and Maes references, examiner notes that the purpose of the Maes reference is to introduced speech recognition outside of the portal, and that the combination of Ladd in view of Maes does not remove the speech recognition of Ladd, but adds another recognizer. In other words, the combination of Ladd in view of Maes not only has a recognizer within the portal, but outside the portal as well (as taught by the Maes reference). The purpose of having a second recognizer outside of the portal is so that the speech engine can be accessed by multiple platforms across networks/gateways (Maes, abstract).

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

5.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Opsasnick, telephone number (571)272-7623,
who is available Tuesday-Thursday, 9am-4pm.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/19/06

Michael N. Opsasnick
Examiner
Art Unit 2626